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Research summary

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Question

Can a restorative justice approach be applied in cases of serious crime?

Background

Restorative justice is an alternative approach responding to crime, where the philosophy is based on restoration and healing rather than retribution and punishment. Using a collective and humanistic approach, the goals of restorative justice focus on the offender taking responsibility and attempting to repair the harm caused, in order to facilitate healing for the victim, the community and the offender. In this approach, victims have an active role and are given the opportunity to communicate to the offender the effects the crime has had on them and suggest methods to repair the harm.

Restorative justice models are varied and flexible, dependent on the preferences of the parties involved. Communication can take place through direct contact (i.e., a face-to-face meeting) or indirect contact (e.g., shuttle mediation, letter writing, shared videotapes). Regardless of the program model, the program goals remain similar.

To date, the majority of restorative justice programs involve low-risk offenders, who have committed relatively minor crimes. Fewer programs target adult offenders, especially offenders who have committed serious crimes. Given that the application of restorative justice is still relatively new, practitioners and program designers are actively exploring how the various restorative justice models can be applied with different types of offenders, varying types of crime, and at various stages of the criminal justice process.

Method

Researchers evaluated a program that applied a restorative justice approach to cases of serious crime, after a plea of guilty but before sentencing, where offenders were facing a term of imprisonment for the crime they had committed. The study included a total of 288 evaluation participants; 65 offenders and 112 victims in the program group and 40 matched offenders and 71 victims in the control group. The evaluation examined client characteristics, program activities, program impacts and the added value of the restorative justice approach when compared to the traditional criminal justice system.

Answer

Results indicated that a restorative justice approach could be successfully applied at the pre-

sentence stage in cases of serious crime. Over 70% of accepted cases involved crimes against the person; 20% were property crimes and 9% involved driving offences. Although crimes against the person can vary in the degree of harm caused, it can be argued that they are all serious. Cases ranged from fairly serious (e.g., property crimes, or person-based offences without physical injury) to the most serious (i.e., a death resulted). Interestingly, over half of the offenders were first time offenders and the majority of them were assessed as low to medium risk. Only 15% were high-risk offenders, which is not surprising given that they usually have longer criminal histories, may be less remorseful and less likely to take responsibility to repair the harm caused by their behaviour. High-risk offenders require more intensive intervention and specialized treatment plans, which many restorative justice programs are not designed to provide.

Final results of the evaluation indicated that almost all program participants were highly satisfied with the restorative approach, especially when compared to participants who experienced only the traditional criminal justice system. Victims and offenders were offered the opportunity to actively participate in the decision-making process, in developing a reparation plan and in some cases, providing a sentencing recommendation. Overall, individuals affected by serious crime were empowered to achieve satisfying justice through a restorative approach.

Policy implications

1. Given that this study and some other research suggest that a restorative approach can be successfully applied in cases of serious crime, further exploration of this approach is warranted.
2. Serious crimes are not always committed by *serious* (i.e., high-risk) offenders. Although restorative justice emphasizes offender responsibility and reparation of harm, it is also important to address an offender's needs in order to reduce recidivism, especially when dealing with high-risk offenders.
3. By involving the community in the restorative process, restorative justice programs can yield benefits to the society at large. These benefits require further examination.

Source

- Rugge, T., Bonta, J., & Wallace-Capretta, S. (2005). *Evaluation of the Collaborative Justice Project: A restorative justice program for serious crime*. (User Report 2005-02). Ottawa: Public Safety Canada.

For further information

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